

Filed for intro on 02/02/95  
House Bill \_\_\_\_\_  
By \_\_\_\_\_

Senate No. SB0806  
By Henry

AN ACT to amend Tennessee Code Annotated, Title 13, relative to protecting the rights of senior citizens to keep household pets in senior citizen housing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. WHEREAS, pets provide companionship for senior citizens, help ease loneliness, provide a sense of security and a feeling of being needed; and

WHEREAS, numerous medical studies have shown that having a pet reduces stress, helps lower high blood pressure, reduces the risk of a heart attack, increases survival time after a heart attack, hastens recovery after an illness, and decreases the number of doctor visits made by seniors, thereby also decreasing health care costs and the expenditure of public health care dollars; and

WHEREAS, the Federal Government in 1983 passed a law protecting the rights of senior citizens in federally assisted housing to own pets, and, whereas California, Arizona, New Hampshire, Connecticut, Massachusetts, and New Jersey have passed laws protecting the rights of senior citizens in other types of housing to own pets; and

WHEREAS, senior citizens have an excellent record of being responsible pet owners, and whereas surveys show that problems anticipated have not occurred and that owners, managers, landlords, and non-pet owning tenants of housing in these States express an overwhelmingly positive response from their experience with pet owning senior citizen tenants; and

WHEREAS, it is in the public interest to insure that our growing number of senior citizens do not have to face the trauma of having to give up their pets, who are sometimes their only companions, to find housing, but rather have their rights protected to enjoy the full medical, psychological, and emotional benefits provided by pets; and therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The title of this act is, and may be cited as the "Tennessee Senior Citizens Pet Ownership Protection Act".

SECTION 2. As used in this act, unless the context requires otherwise:

(1) "Senior citizen" means a person sixty-two (62) years of age or over and shall include a surviving spouse if that surviving spouse is fifty-five (55) years of age or over;

(2) "Common household pet" (also referred to as "household pet") means any domestic animal including dog, cat, bird, fish, or other animal commonly kept as a pet which does not constitute a health or safety hazard;

(3) "Senior citizen housing" means any building or structure, and any land appurtenant thereto, in or upon which dwelling units are rented by or resided in by, or available to be rented by or resided in by, senior citizens; except that, it shall not include any health care facility as defined in Tennessee Code Annotated, Section 68-11-102;

(4) "Landlord" means, in the case of senior citizen housing in which dwelling units are rented or offered for rent under either a written or oral lease, the person or persons who own or purport to own the building, structure or complex of buildings or structures in which those rental dwelling units are situated. In the case of senior citizen

housing that is organized or operated as a planned real estate development, landlord means the governing board or body of that development;

(5) "Planned real estate development" means any real property situated within the state, whether contiguous or not, which consists of, or will consist of, separately owned areas, irrespective of form, be it lots, parcels, units, or interest, and which are offered or disposed of pursuant to a common promotional plan, and providing for common or shared elements or interests in real property. It shall include, but not be limited to any form of homeowners' association, any housing cooperative or any community trust or other trust device; and

(6) "Continuing nuisance" means the keeping of a common household pet in a manner which interferes with the health, security and comfort of other residents of the senior citizen housing.

SECTION 3. No landlord of any senior citizen housing may:

(1) as a condition of tenancy or otherwise, prohibit or prevent any senior citizen in such housing from owning common household pets or having common household pets living in the dwelling accommodations of such senior citizen in such housing; or

(2) restrict or discriminate against any senior citizen in connection with admission to, or continued occupancy of, such housing by reason of the ownership of such pets by, or the presence of such pets in the dwelling accommodations of, such person.

SECTION 4. (a) A landlord shall not arbitrarily refuse to rent, lease, or renew a lease for a dwelling unit in senior citizen housing to any senior citizen who owns, harbors or cares for household pets in accordance with the provisions of this act, except as provided in Section 6 of this act.

Any landlord who so refuses to rent, lease, or renew any such lease shall be subject to a civil penalty of not less than five-hundred dollars (\$500) for each offense, recoverable by the senior citizen who is so refused in a civil action in any court having jurisdiction.

(b) A landlord shall not require any senior citizen who resides in senior citizen housing to remove, by sale, donation, gift, or otherwise, any household pet which that senior citizens owns, harbors or cares for in accordance with the provisions of this act, except as provided in Section 6 of this act.

SECTION 5.(a) A landlord who is in compliance with the provisions of this act shall not be liable to respond in damages in any civil action for injury to persons or property caused by a household pet owned, harbored or cared for by a senior citizen who is in compliance with the provisions of this act.

(b) Nothing in this section shall grant the landlord immunity for a willful or wanton act of commission or omission.

SECTION 6. Under the following circumstances, a landlord may refuse to renew a senior citizen's lease for a dwelling unit in senior citizen housing or may require that a senior citizen remove, by senior citizen's choice of sale, donation, gift, or otherwise, a household pet from a dwelling unit in the senior citizen housing:

(1) When the existence of a household pet or the senior citizen's refusal to comply with the rules and regulations governing household pets constitutes a violation of federal, state or local building, health or use codes;

(2) When the senior citizen fails to properly care for the household pet;

(3) When the senior citizen fails to properly control the household pet by using a leash, if appropriate, or other necessary safety devices when walking or taking the household pet to or from the senior citizen's dwelling unit or while on the land appurtenant thereto, or fails to take prompt action to remove any animal waste when requested by the landlord; or

(4) When the senior citizen fails to confine the household pet's body waste functions to areas that do not interfere with the ingress and egress of any person to or from the senior citizen housing, or with the use of common areas in and about the senior citizen housing by other residents thereof and their invitees.

SECTION 7. The presence of a guard dog used by the landlord shall not constitute a waiver of the provisions of this act.

SECTION 8. Nothing in this act shall impair the rights of a handicapped person to own, harbor or care for a household pet, including guide dogs and service dogs, in accordance with law.

SECTION 9. (a) Nothing in this act shall limit the legal rights and remedies of a landlord under the lease or the master deed and bylaws, as the case may be, to require that the senior citizen remove a household pet that constitutes a continuing nuisance to either the landlord or the other residents of the senior citizen housing, nor shall it limit the legal rights and remedies of that landlord or other residents.

(b) In any attempt to require removal of a household pet, to refuse to renew a lease, or to evict a senior citizen from senior citizen housing for violating a lease due to the presence of a household pet that is alleged to be a continuing nuisance, the landlord or plaintiff, as the case may be, shall have the burden of proving that the household pet is a continuing nuisance. Should the landlord or plaintiff prevail in requiring removal of the household pet, the landlord shall give the senior citizen reasonable time to locate a new home for the household pet.

SECTION 10. A landlord shall have the right to promulgate reasonable written rules and regulations, in accordance with the provisions of this act, relating to the care and maintenance of household pets by senior citizens, except that a landlord may not require that the household pet be subject to any surgery. All such rules and regulations shall be in accordance with generally recognized standards for pet care and maintenance, and shall be transmitted, in

writing to the residents, and prospective residents, of each dwelling unit in the senior citizen housing, and shall be incorporated within each lease upon its issuance or subsequent renewal, or within the master deed and bylaws, as the case may be.

SECTION 11. Nothing in this act shall limit the rights of a municipality to prohibit, by ordinance, the owning, harboring or keeping of certain species of animals within the municipality.

SECTION 12. This act shall take effect July 1, 1995, the public welfare requiring it.

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